

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ATAIN SPECIALTY INSURANCE COMPANY,	)	
	)	
	)	C.A. NO.: 19-11634
	)	
Plaintiff,	)	Electronically Filed
	)	
vs.	)	
	)	
DAVESTER LLC d/b/a EMBARGO, NEWMAN	)	
GALATI, TOWN TAXI OF CAPE COD, INC.,	)	
HUDSON AGUIAR, and HOSPITALITY MUTUAL	)	
INSURANCE COMPANY	)	
	)	
Defendants.	)	

**PLAINTIFF ATAIN SPECIALTY INSURANCE COMPANY'S  
MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff Atain Specialty Insurance Company and moves this Honorable Court pursuant to Rule 56 to enter summary judgment on its behalf on Count I and Count II of its Complaint. As reasons therefore, Atain Specialty Insurance Company states that there are no material facts in dispute and judgment is warranted as a matter of law.

Filed herewith and incorporated herein are Atain Specialty Insurance Company's Statement of Undisputed Material Facts and Atain Specialty Insurance Company's Memorandum of Law.

Wherefore, Atain Specialty Insurance Company moves this Honorable Court to enter judgment on its behalf.

Respectfully Submitted,

Atain Specialty Insurance Company  
By Its Attorneys,

/s/ Matthew W. Perkins

Matthew W. Perkins

BBO No. 564868

Lecomte, Emanuelson and Doyle

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Dated: August 26, 2020

**PLAINTIFF'S CERTIFICATE OF CONSULTATION  
PURSUANT TO LOCAL RULE 7.1**

Now comes the Plaintiff's counsel pursuant to Local Rule 7.1 and states that counsel has consulted with counsel of record for the Defendants regarding the Plaintiff's Motion for Summary Judgment and attempted, in good faith, to narrow the issues raised in the motion, without success.

/s/ Matthew W. Perkins

**CERTIFICATE OF SERVICE**

I, Matthew Perkins, counsel of record for the Plaintiff, Atain Specialty Insurance Company, do hereby certify on this 26<sup>th</sup> day of August 2020, that I have served a copy of the foregoing which was filed through the ECF System and has been served pursuant to Local Rule 5.2(b) to the following counsel of record:

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By Plaintiff's Counsel:

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